IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

REVIEW PETITION NO.21 OF 2006
IN
WRIT PETITION NO.2191 OF 2004

Eugenio Pereira ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

...

Mr. Archit Jayakar i/b M/s. Beri & Co. for the Petitioner.
None for the Respondents.

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CORAM: DR. D.Y. CHANDRACHUD &
S.C. DHARMADHIKARI, JJ.

24th August, 2006.

P.C. :

The Petitioner is in receipt of pension as an Assistant Teacher. The Education Department declined to sanction pension to him as a Head Master since he did not fulfill the requirements laid down in Rule 3(1)(b) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules 1981 for being appointed as a Head Master. This Court by its order dated 2nd September, 2004 had dismissed the Petition holding that the Petitioner did not fulfill the requirement of teaching experience of five years after graduation in order to be eligible to get pension as a Head Master. There is no merit in the contention that the rules prescribing

minimum conditions of eligibility and experience do no apply to minority institution. This point has been covered by a judgment of a Division Bench of this Court in **Hakimsingh Ram Sumer Singh Yadav v. Shri Vardhaman Sthanakwasi Jain Shravak Sangh**[1]. Even a minority institution must follow the requirements that are laid down in the matter of qualification and experience for the appointment of teachers and Head Master. No ground for review has been made out. The Review Petition is dismissed.

(DR. D.Y. CHANDRACHUD, J.)

(S.C. DHARMADHIKARI, J.)

1 2001(1) Bom. C.R. 313.